

MACOMB TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD ON
MAY 10, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB, MI 48042

PRESENT: CHAIRMAN, BRIAN FLORENCE
MEMBERS: EDWARD GALLAGHER
TONY POPOVSKI
VICTORIA SELVA
DAWN SLOSSON

ABSENT: NONE

ALSO PRESENT: COLLEEN OCONNOR, TOWNSHIP ATTORNEY
JEROME R. SCHMEISER, PLANNING CONSULTANT
(Additional attendance record on file with Clerk)

Call Meeting to Order.

Chairman FLORENCE called the meeting to order at 7:03 P.M.

1. Roll Call.

Secretary SLOSSON called the Roll Call. All members present.

2. PLEDGE OF ALLEGIANCE.

3. Approval of Agenda Items. *(with any corrections)*
Note: All fees have been received and all property owners were notified by mail

MOTION by GALLAGHER seconded by SLOSSON to approve the agenda as presented.

MOTION carried.

4. Approval of the previous meeting minutes:

MOTION by SELVA seconded by SLOSSON to approve the meeting minutes of March 29, 2005 as presented.

MOTION carried.

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PURPOSE OF HEARING:

To consider the requests for variance(s) of Zoning Ordinance No. 10 for the following:

Agenda Number/Petitioner/ Permanent Parcel No.	Zoning Ordinance Section No.
(5) Bonnie Stasyk Permanent Parcel No. 08-29-303-001	Section 14.27E
(6) Walter Zabel Permanent Parcel No. 08-16-452-004	Section 10.0331(2)(3)
(7) Phillips Sign and Lighting Permanent Parcel No. 08-20-200-046	Section 10.1605(H)(6)(c)
(8) Peter and Corrina Freeman Permanent Parcel No. 08-17-251-003	Section 10.0504(E)(3) 10.0504(A)
(9) Macomb Development Associates Permanent Parcel No. 08-03-100-002 08-03-100-003 08-03-100-004 08-03-200-002 08-03-200-009 08-03-200-016 08-04-200-007	Section 10.0311(C) 10.0404(D) 10.0404(A)
(10) Morelli Investments, LLC Permanent Parcel No. 08-20-200-046	Section 10.1706(A)(B)(C)(D)(E)
(11) Phillips Sign and Lighting Permanent Parcel No. 08-36-477-009	Section 10.1805(I)(4)(c)
(12) Macomb Intermediate School District/ Chippewa Valley School District Permanent Parcel No. 08-17-226-002	Section 10.0311(A)(2)
5. VARIANCE FROM THE PROVISION OF THE FENCE ORDINANCE; Permission to vary section: 14-27(E) Request to reduce setback and raise height of a fence Located on Southwest corner of White Plains and Mt. Vesuvius; Section 29; Bonnie Stasyk, Petitioner. Permanent Parcel No. 08-29-303-001.	

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Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

The petitioner's residence is located on the southwest corner of White Plains and Mt. Vesuvius. The parcel backs to Garfield which is currently under construction in this area. All of the lots fronting on Mt. Vesuvius and backing to then future Garfield were created with allowance made for the ultimate development of Garfield. A field check of the area indicates that approximately ½ of the lots whose rear yards back to Garfield have 4' chain link fences on the property line.

In the case of the petitioner's property, a 6' stockade type fence was constructed. That fence was recently destroyed. The current ordinance would allow the construction of a 4' chain link fence setback 25' from Garfield (Sec. 14-27 (e) and the ordinance would further require a clear vision zone where the sidewalks along White Plains would intersect with the sidewalks to be constructed along Garfield Road. Any 6' stockade fences would also have to be set back at least 25' from Garfield.

RECOMMENDATION:

It is recommended that the variance request for a 6' stockade fence be denied. However it is recommended that a variance be granted to allow a 4' chain link fence along the rear property with the understanding that a 25' clear vision zone be maintained at the intersection of White Plains and Garfield Road.

The following letter of explanation was submitted by the petitioner dated March 21, 2005 as follows:

"Since Garfield and White Plains are being considered major streets, more security and privacy is needed for this corner lot. My mother is a senior citizen living by herself. The pervious privacy fence that was destroyed by May storms in 2004, was a secured comfort to her. There is a lot of people walking and riding their bikes, which is a lot traffic for her being on the corner lot. Since While Plains has opened up, and crosses through to become Haverhill, more automobile traffic is driving through for short cuts. They are driving fast and there are no stop signs. One day she have a car drive right into her back door. I'm very serious on this note, because not one is doing the speed limit or watching the drivers. She has 2 dogs and they are teased by the teenagers who walk by and hang out in the back woods. With the increase of building, it's become much busier and they have not even started to build the sub behind her. We are requesting to have the fence replaced where the old one was and also for a 6 foot privacy fence. I hope your committee agrees with us because I see a busier corner lot in the future. She's lots \$2,000.00 already from the scam "Macomb Fence" company. Please give her the fence she needs."

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Bonnie Stasyk, petitioner, was in attendance and stated that since the original fence had been destroyed there has been an increase in the traffic flow on the street surrounding her house and there are now subdivisions being built. She indicated she wants to erect the same kind of fence that had been destroyed and had no problem with providing the clear vision zone but did not agree with the 4 foot cyclone fence.

Chairman FLORENCE stated that Garfield Road has been planned to extend through by the Road Commission.

Public Portion: None.

MOTION by GALLAGHER seconded by SLOSSON to close the public portion.

MOTION carried.

MOTION by GALLAGHER seconded by POPOVSKI to deny the variance of Section 14.27E-Request to reduce setback and raise the height of a fence; Located on the southwest corner of White Plains and Mt. Vesuvius (backs to Garfield Road); Section; 29; Bonnie Stasyk, Petitioner. Permanent Parcel No. 08-29-303-001.

MOTION carried.

MOTION by GALLAGHER seconded by POPOVSKI to allow a 4 foot chain link (Cyclone) fence with a setback of 1 foot from the sidewalk along Garfield and White Plains and a 25 foot clear vision zone from Garfield Road to White Plains.

Discussion was held on having a 4 foot wooden fence and Chairman FLORENCE indicated that in the past the strict enforcement of the Fence Ordinance had not been adhered to, but that recently the Township had hired additional Code Enforcement Officers to bring the Township into compliance.

MOTION carried.

6. **VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;**
Permission to vary section:10.0311(2)(3) Request to reduce sideyard from 7.5' to 0' and to place a rear yard shed in the sideyard.
Located on South side of Coyote Trail (Lot 4 of Indian Pointe Subdivision) North of 23 Mile Road; Section 16; Walter Zabel, Petitioner. Permanent Parcel No. 08-16-452-004.

Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

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The petitioner is requesting a variance to allow an existing shed and driveway to remain. The widened driveway was installed in 1999 and a shed in 2000. Neither one of which were permitted by the Township. The petitioner has indicated that the purpose of the shed is to store vintage automobiles, motorcycles and lawn equipment. His application is also asking that a shed allowed in a rear yard be permitted to be located in the sideyard.

The shed measures 7.5 x 16' and is situated in the sideyard which is 8.3' leaving a sideyard of .8' if the variance is granted.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the 7.5' sideyard setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned and built in Macomb Township and the neighborhood surrounding the petitioner's property will or have been required to comply with the same 7.5' sideyard setback requirements which is evidence that the proper 7.5' sideyard setback would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the 7.5' sideyard setback requirement. As a result the other property owners do not have the opportunity to make use of the 7.5' of extra sideyard for development.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the sideyard set back from being maintained 7.5' from the property line. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

3. The variance would amount to reducing the sideyard setback by approximately 6.7' or 90% of that required by the zoning ordinance.

The following letter of explanation was submitted by the petitioner dated April 6, 2005 as follows:

"In January 1999 I purchased property listed above. In spring of 1999 I contracted to have driveway widened to include slab along side of garage. There has been a shed on the site since summer of 2000. I own 2 vintage automobiles which are parked in my 2

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car garage. I also have my everyday vehicle as well as my wife's. I also own 5 motorcycles 4 of which are vintage, not to mention numbers garden and lawn equipment to maintain my property. The proposed shed is not an eyesore and my neighbor is fine with it. This is the only spot on my property that I can put the shed. Shed contains 3 motorcycles, 90 gallon refuse bin, lawn equipment. Without this variance I will be forced to sell off part of my collection of vintage vehicles."

Walter Zabel, petitioner, was in attendance and stated the problem with the shed arised because of the installation of a swimming pool in the rear yard and there was no longer any room left. He indicated the shed is aesthetically pleasing and would not be influencing or hurting anyone. Lastly, there is a 12 foot sewer easement that runs through the rear portion of his property.

Member POPOVSKI asked what brought about the code enforcement of the shed.

Walter Zabel stated the Code Enforcement Officer had received a compliant about the shed in question.

Member SELVA stated that if the Board were to start granting variances for the 7.5 foot side yard that all access that was to be maintained would be lost for purposes of emergency vehicles.

MOTION by SELVA seconded by GALLAGHER to deny the variance of Section 10.0311(2)(3)-Request to reduce sideyard from 7.5 feet to 0 feet to place a rear yard shed in the side yard; Located on the south side of Coyote Trail (Lot 4 of Indian Pointe Subdivision), north of 23 Mile Road; Section 16; Walter Zabel, Petitioner. Permanent Parcel No. 08-15-452-004. The variance was denied since granting the variance would give to the applicant and advantage or benefit not received by any other property owners in residential development in Macomb Township.

MOTION carried.

7. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.1605(H)(6)(c) Request to increase size of sign from 16 square feet to 32 square feet.
Located on Southeast corner of 23 Mile and Romeo Plank Roads; Section 20; Phillips Sign and Lighting, Petitioner. Permanent Parcel No. 08-20-200-046.

Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

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The property in question is part of a strip center located on the southeast corner of 23 Mile and Romeo Plank Roads. The standard for signs for such uses is 32 square feet and has been in effect since the zoning ordinance was first created. Just recently it has been determined that if a business is located directly on the intersection of 2 major roads, that the total square footage of sign could be split with a portion on the face of each building. The Township has recognized the issue and has approved signs for other businesses that are similarly situated by allowing them to place ½ of their required signage but maintaining the allowed square footage for the district.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the sign requirement would not unreasonably prevent the ownership from using the property as zoned. Other commercial structures planned in Macomb Township will be required to comply with the same sign requirements, which is evidence that the proper sign requirements would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in commercial developments in Macomb Township. The other owners are or will be required to comply with the sign requirement. As a result the other property owners do not have the opportunity to make use of the additional 32 square feet.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the sign from being maintained at a total of 32 square feet.

3. The variance would amount to increasing the size of the signs by 100%.

The following letter of explanation was submitted by the petitioner dated April 6, 2005 as follows:

“The single largest factor in or decision to lease this particular space was, and is, its end location with two distinct frontage. A coffee/smoothie shop relies heavily on a great amount of foot traffic. Street exposure on both sides is crucial to its success. Businesses and landlords alike understand the value of end caps with double the visibility of other locations. In fact the extra exposure enjoyed by two frontages always allows a landlord to charge a higher rent for that “prime” location.

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Strict enforcement of the zoning ordinance interprets our particular space however as only eligible for 32 square feet of signage – the same as a business with only one frontage. We have been told that we can have two separate sign but the total square footage can still only add up to 32 square feet. Whether we choose to have one 32 square foot sign or two 16 square foot signs, they both create a hardship due to lack of adequate signage. We wish to comply with the 32 square foot allowance, but believe it should be for each of our store frontages. The zoning department has in fact recognized that our site contains two separate frontages as evidenced by permission to erect two separate signs. Total square footage of two 32 square foot signs is still only 1/10 of the permissible percentage of sign may occupy. The Romeo Plan frontage gross area is 520 square feet. A 32 square foot sign would represent approximately 6% of the entire area. The 23 Mile Rd. frontage gross area is 1400 square feet. A 32 square foot sign would represent only 2.3% coverage. The percent of coverage from two signs for the gross area of both frontages still only comes to a total of 3.3% -- one tenth of the allowable 33% of some businesses. Again, we do not wish to exceed the 32 square feet limit. We are only asking for that for each of our frontages.

As stated we have already been given permission to put up two 16 square foot signs. We believe however, that not only does it create a practical difficulty in visibility for our signs, but also a safety issue. Section 10.0319 states that part of the intention of the 32 square foot limit is to “reduce distractions that may contribute to traffic accidents.” Large garish signage could easily cause distractions, but the converse is also true. A sign that is too small to read without difficulty could actually pose more of a problem and be more of a distraction as motorists struggle to figure out what the sign says.

We believe very strongly in quality, tasteful, and beautiful design. It is a trademark of our stores. We take great effort to create a beautiful environment that delights the senses. We also believe strongly in tasteful and beautiful exteriors. Co-owner, Jacki Rump, served six years on the city of Grosse Pointe Woods Beautification Commission. The desires to keep the city attractive as well as encouraging safety are key motivations to Grosse Pointe Woods’ enforcement of strict signage and color ordinances too. Years of service on the Beautification Commission gives us insight to and understanding of Macomb Township’s intentions. We believe strongly that a 32 square foot sign on each frontage still fits in the wishes and intentions of the sign ordinance, and it gives The Blend the exposure it needs to succeed.”

Ed Phillips, representative, was in attendance and stated the hardship was the lack of adequate signage and then reviewed the letter of hardship that had been submitted and dated April 6, 2005.

Member SELVA stated that a similar request had previously been presented to the Board and that she had asked at that time for the sign ordinance to be reviewed and asked if the review process was underway.

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Jerome R. Schmeiser, Planning Consultant, stated that it was not under consideration at the present time.

Public Portion:

Richard Donovan, stated that the intersection of 23 Mile Road and Romeo Plank is already horrendous and can't determine what direction the traffic will go. He further stated there was no need for any additional signage in the neighborhood.

Ed Phillips stated the sign would be clear and concise.

**MOTION by POPOVSKI seconded by GALLAGHER to close the public portion.
MOTION carried.**

MOTION by GALLAGHER seconded by POPOVSKI to deny the variance request of Section 10.1605(H)(6)(c)-Request to increase size of sign from 16 square feet to 32 square feet; Located on the southeast corner of 23 Mile Road and Romeo Plank; Section 20, Phillips Sign and Lighting, Petitioner. Permanent Parcel No. 08-20-200-046. The variance was denied since it's been proven the sign ordinance works and that no one has lost a business because of signage. Lastly, there is nothing unusual about the property.

Member POPOVSKI stated they are enforcing the ordinance as it is written. There is no hardship even though it's located on a corner parcel.

MOTION carried.

Chairman FLORENCE stated he liked the design of the sign but believed there was room within the 16 square foot area for each of the elevations to redesign the sign to make it ascetically nice but still within 16 square feet. Further, since you have the option to redesign the sign that is the vote for denial.

Ed Phillips stated the sign being proposed is The Blends logo and have no interest in rearranging the sign to fall within a 16 square foot sign.

8. **VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;**
Permission to vary section: 10.0504(E)(3) Request to reduce rear yard from 50' to 25'.
Section 10.0504(A) Request to reduce minimum lot area from 30,000 square feet to 17,300 square feet.
Located on West side of Romeo Plank Road, approx. 1/2 mile South of 24 Mile Road; Section 17; Peter and Corrina Freeman, Petitioner. Permanent Parcel No. 08-17-251-003.

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Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

The petitioner is requesting variances from the provisions of the R-1-S zoning district to reduce the depth of the lot and the rear yard setback to have existing lot and structures property varianced for future building permits. The property is zoned R-1-S.

The property is trapezoidal in shape with the house situated parallel to Romeo Plank. The front yard setback from the center line of Romeo Plank is 78'. The zoning ordinance requires a 90' setback. The rear yard is 29' and the zoning ordinance requires 50' in an R-1-S zone. The parcel contains approximately 14,750 square feet including the right of way for Romeo Plank.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the setback requirements would not unreasonably prevent the ownership from using the property as zoned. Other residential structures planned in Macomb Township will be required to comply with the same setback requirements which are evidence that the proper setbacks would not be unnecessarily burdensome. The garage wing of the residence is already encroaching in the required rear yard setback and the front of the house is encroaching in the required front yard setback.
3. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the setback requirements. As a result the other property owners do not have the opportunity to make use of the required setbacks.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the dwelling from maintaining the property setbacks. For example, there are no significant grade differences or natural feature such as a stream or wetland to prevent full use of the parcel according to the ordinance as written.

The following letter of explanation was submitted by the petitioner dated April 8, 2005 as follows:

“Variance request from Zoning Ordinance Section 10,.2504(A) and (E)(3) to reduce depth of lot and rear yard set back to have existing lot and structures properly variances for future building permits with-in the limits of said variances.”

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Peter and Corrina Freeman, petitioners, were in attendance and indicated their reason for the variance was to replace an existing deck (12' x 16') with a permanent structure to add living space to their house. The variance is being applied for because the setbacks of the existing structures were not within the current ordinance.

Chairman FLORENCE stated the recommended denial was being made because of the specific requirements for the R-1-S zoning classification requirements within the Zoning Ordinance.

Peter Freeman stated that the property he then purchased in 1999 was then sold to him in an illegal state.

Chairman FLORENCE stated that assuming the current zoning was in effect at the time the house was built that assumption would then be correct.

Corrina Freeman stated the house was built in 1980.

Discussion was held between the Board, Jerome R. Schmeiser and Peter and Corrina Freeman as to how permits were received and the house was built.

Jerome R. Schmeiser, Planning Consultant, suggested that further research needs to be done to determine what permits were issued, the ability to expand as it relates to septic tanks and what they are allowed to do as a result of the situation. Lastly, he suggested that a tabling request be made by the Freemans to allow them time to review the matter.

Colleen O'Connor, Township Attorney, stated that for clarity purposes what must be proven for a variance to be granted is a practical difficulty, which is fancy word for hardship. So what practical difficulty means is that you can not utilize the property as zoned. So the fact that you can't get an addition to your house is not necessarily a practical difficulty. In order for you to qualify for a practical difficulty you would have to convince this board that you could not utilize your property as known and clearly you are.

Corrina Freeman questioned how she could represent their house in the future should they decide to sell. To us that is a hardship.

Colleen O'Connor, Township Attorney, stated that what you are asking the Board to do or grant would take the house into further non-conformity.

Peter and Corrina Freeman asked that the variance request be tabled for further research till the July 12, 2005 meeting.

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MOTION by GALLAGHER seconded by SLOSSON to table the variance request of Section 100504(E)(3)-Request to reduce rearyard from 50 feet to 25 feet and Section 10.0504(A)-Request to reduce minimum lot area from 30,000 square feet to 17,300 square feet; Located on the west side of Romeo Plank Road, approximately ½ mile south of 24 Mile Road; Section 17; Peter and Corrina Freeman, Petitioner. Permanent Parcel No. 08-17-251-003.

MOTION carried.

9. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.0311(C)-Request to reduce the setback along 26 Mile Road from 142' to 114' (21050 26 Mile Road, 79' (20920 26 Mile Road)
Section 10.0404D-Request to reduce the setback along 26 Mile Road from 142' to 114' (21050 26 Mile Road), 79' (20920 26 Mile Road)
Section 10.0404(A)-Request a variance of width of property from 300' to 220' on parcel fronting on 26 Mile Road.
Located on South side of 26 Mile Road, East and West of Broughton Road; Sections 3 and 4; Macomb Development Associates, Petitioner. Permanent Parcel Nos. 08-03-100-002, 08-03-100-003, 08-03-100-004; 08-03-200-002, 08-03-200-009; 08-03-300-016; 08-04-200-007

Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

The petitioner has sought and been denied approval to combine 7 parcels, some of which are located in section 3 and some in section 4. The parcel line will cross Broughton Road. The land combination has been denied for the following reasons:

1. Structures on the proposed 1.469 and 12.774 acre parcels do not meet the required setback of 142' from the centerline of 26 Mile Road.
2. The furthestmost northwest 221.01' of the proposed 287.341 acre parcel abutting 26 Mile Road, does not meet the requirement that a parcel over 10 acres must meet the minimum of 300' of width, in any location that it fronts on a public road.
3. The property located in section 3 on the east side of Broughton, is master planned as residential with 1 unit per acre. The property in section 4 on the west side of Broughton Road is master planned as residential with 3 units per acre. Therefore, the proposed 287.341 acre parcel will not be permitted.

The petitioner is requesting variances that will enable the assembly of acreage for future development. The particular variances involve the setback of existing houses front the center line of 26 Mile, and a reduction in the amount of road frontage on a parcel.

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With respect to the setbacks from 26 Mile Road, the petitioner is seeking to create new parcels maintaining the setbacks of an original parcel. It has been the position of the Township that the requirements of the current zoning ordinance must be applied to any newly created parcels. Therefore, the creation of the new parcels will create non-conforming situations.

RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the setback requirement would not unreasonably prevent the ownership from using the property as zoned. Other residential developments as planned in Macomb Township will be required to comply with the same setback and road frontage requirement which is evidence that the proper setback would not be unnecessarily burdensome.
4. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in residential developments in Macomb Township. The other owners are or will be required to comply with the setback and road frontage requirements. As a result the other property owners do not have the opportunity to make use of the required setback area and the reduction in road frontage.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent any part of the setback and road frontage requirements from the property line.

The following letter of explanation was submitted by the petitioner dated April 11, 2005 as follows:

“Kogelmann Enterprises, L.L.C., a Michigan limited liability company (“Kogelmann”) is the owner of parcels 08-03-200-002, 08-03-200-009, 08-03-100-004, 08-03-100-003, 08-03-300-016, 08-03-100-002 and 08-04-200-007. Macomb Development Associates, L.L.C., a Michigan limited liability company (“Macomb Development”) has entered into an Agreement of Sale to purchase all or part of the all of the above-referenced parcels owned by Kogelmann. Specifically, Macomb Development is purchasing all of parcels 08-03-200-009, 08-03-200-002, 08-03-300-016 and 08-04-200-007 and part of parcels 08-03-100-002, 08-03-100-003 and 08-03-100-004. In order to purchase that portion of the parcels being sold Kogelmann to Macomb Development, it was necessary for a land division/combination application to be filed. Macomb Development filed a land division/combination application on February 22, 2005 which was denied on March 29, 2005 pursuant to and for the reasons set forth on the attached letter.

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With respect to parcels 08-03-100-003 and 08-03-100-002, Macomb Development is purchasing the entire parcels with the exception of a 12.774 acre portion of such parcels along 26 Mile Road ("12,774 Acres Reserved Parcel"). Within such 12.774 Acres Reserved Parcel, there is an existing brick frame house (the "Brick Frame House"). The Brick Frame House is 79.3 feet from the centerline of 26 Mile Road. Under the current Macomb Township Zoning Ordinance, such Brick Frame House must be at least 142 feet from the centerline of 26 Mile Road. At the time the Brick Frame House was constructed, it was in compliance with the Macomb Township Zoning Ordinance with respect to the distance from the Brick Frame House was with respect to 26 Mile Road. However, in order to separate the 12.774 Acre Reserved Parcel from the land being purchased by Macomb Development, a variance of the 142 foot setback requirement is necessary. Therefore, a request is hereby being made for a variance of Sections 10.0311C and 10.0404D to reduce the front yard setback to 79 feet with respect to the Brick Frame House and any other existing structures on the 12,774 Acre Reserved Parcel.

With respect to parcel 08-03-100-004, Macomb Development is purchasing the entire parcel with the exception of a 1.469 acre portion of such parcel along 26 Mile Road. ("1.469 Acre Reserved Parcel"). Within such 1.469 Acre Reserved Parcel, there is an existing one story house ("One Story House"). The One story House is 114.3 feet from the centerline of 26 Mile Road. Under the current Macomb Township Zoning Ordinance, such One Story House must be at least 142 feet from the centerline of 26 Mile Road. At the time the One Story House was constructed, it was in compliance with the Macomb Township Zoning Ordinance with respect to the distance the One Story House was with respect to 26 Mile Road. However, in order to separate the 1.469 Acre Reserved Parcel from the land being purchased by Macomb Development, a variance of the 142 foot setback requirement is necessary. Therefore, a request is hereby being made for a variance of Sections 10.0311C and 10.0404D to reduce the front yard setback to 114 feet with respect to the One Story House.

We respect to parcel 08-04-200-007, Macomb Development is purchasing the entire parcel which parcel is approximately 79.496 acres. Under Section 10.0404A of the current Macomb Township Zoning Ordinance, such parcel must have 300 feet of contiguous frontage along 26 Mile Road. The parcel currently does not have 300 feet of contiguous frontage along 26 Mile Road on the most western portion of such parcel. Therefore, a request is hereby being made for a variance of Section 10.0404A of the Macomb Township Zoning Ordinance to reduce the frontage along 26 Mile Road from the northwestern corner of such parcel to not less than 220 feet, instead of not less than 300 feet.

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VARIANCE SUPPORT

Strict enforcement of these ordinance provisions will cause a practical difficulty because the division will remain impossible for the parcels. Macomb Development is purchasing a large amount of property but wishes to have the homes on the two new parcels for continued residences. These two houses have existed for many years and this hardship is not self created. The variance will not change any configuration of the land, the road or the distances involved. There is no special privilege conferred here because the same privilege exists today as a nonconforming status. This variance does not enlarge, expand or contribute to any non-conforming issue. These conditions are unique to these properties.

With respect to the frontage variance requests, the same arguments apply. Strict enforcement results in a practical difficulty not self created. There is not special privilege conferred and the conditions today remain the same under the variance.

There is no negative precedent created by any of the variances requested. The houses at issue have existed for many years in the same location and configuration.”

Robert Davis, representative, was in attendance and indicated the intention was to purchase and combine seven (7) parcels. He presented a viewing board for those in attendance showing what the request being sought was to look like.

He noted that should the request be granted this would allow the seller to maintain part of the original acreage and sell of the remaining portion. The granting of the variances would not create any new non-conforming parcels since these are existing homes/structures. The structures that exist on the property pre-date the ordinance giving rise to the adverse condition we are here for. He noted that the brown farmhouse had been labeled as a historical structure. Once again we are not creating any new non-conforming parcels, we are simply changing the size of the box where the non-conformity exists. There is no setback being allowed here for the balance of the new parcels. In other words you are not granting a variance for any other portion of the property except where the structures exist.

Jerome R. Schmeiser, Planning Consultant, stated The Land Division Ordinance indicates that any new parcel created must meet all the ordinances of the Township. So even though the building will remain the same the property is different and the Land Division Ordinance says which is based on the State Land Division Act, that any new parcel created no matter what size it is must meet the ordinance. That is way the history here has previously been to deny other similar requests. Lastly, he wondered if the best way to resolve was through some sort of court action.

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Robert Davis stated that the property owner being unable to sell his property and maintain the parcels where structures exist is the difficulty.

Member GALLAGHER stated to file a lawsuit, would be the means to resolve. There is no hardship or practical difficulty here. It may seem there is one to you, but not to us.

Robert Davis stated that this board under state law is granted the flexibility to take unique look at unique circumstances. You are not bound necessarily to do the same thing every time. You are allowed under the state Enabling Act, you are the flexible arm of the government. You are the only flexible arm. You are the appellate body. You do have this type of discretion if you know its going to a lawsuit, I think you know the result of the lawsuit, I think you know your discretion.

Member GALLAGHER stated the situation was unique because he was not trying to create postage stamp size lots. We don't want to set a precedence doing these types of things. I believe there are other avenues you can pursue.

Robert Davis pleaded to exercise the flexibility that has been given. This body was not given the mandate to be rigid. You were given the mandate to review these uniquely, case by case and make findings of fact case by case. You can exercise the discretion here.

Public Portion:

Karen Mark, 20701 26 Mile Road, stated the historical home that was mentioned was her great grandparents home, not the Kogelmann's home. The land being spoken of to be sold was her grandparents and great grandparents' land. She indicated the importance to her family that the variance of moving closer will allow more homes, but when 26 Mile Road is widen in 15 years those houses will be lost as well. They won't tell the people that know when they build their homes closer to the road.

Robert Davis stated they are not asking to build structures with a variance from a setback requirement. I want to make that clear. We understand that all parcels with respect to any new structures must comply with the ordinance. We are just simply asking for a variance to create those new parcels with the same structures that are on them, with the same distances nothing new, nothing more.

Denny Robinson, petitioner, stated that what he tries to do for a community is positive and then reviewed the Land Division Act as it pertains to splits.

MOTION by SLOSSON seconded by SELVA to close the public portion.

MOTION carried.

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MOTION by GALLAGHER seconded by POPOVSKI to deny the variance request of Section 10.0311(C)-Request to reduce the setback along 26 Mile Road from 142' to 114' (21050 26 Mile Road, 79' (20920 26 Mile Road); Located on the south side of 26 Mile Road, east and west of Broughton Road; Section 3 and 4; Macomb Development Associates, Petitioner. Permanent Parcel No. 08-03-100-002, 08-03-100-003, 08-03-100-004; 08-03-200-002, 08-03-200-009; 08-03-300-016; 08-04-200-007. The variance was denied based on the Land Division Ordinance and that no precedence be set for some of the smaller parcels that we will have to deal with in the future. There are other alternatives that can be used to where they want to go. In addition its not appropriate to create these new non-conforming situations.

Member POPOVSKI indicated denial based on the fact that we would be creating another non-conforming parcel.

Member GALLAGHER indicated denial based on the fact that it goes against the Land Division Act. The Township does have postage stamp size lots that will be dealt with in the future and if grant you this type of situtatuion, we have to grant them this type of situtation. People involved in this that can put it into words so that everybodys understanding is on the record of why it was done and how it was done. I have no problem with the project.

Member SELVA agreed with Member GALLAGHER in that the Land Division Ordinance was to bring non-conformed parcels into conformity. The variance should be denied, but again hopefully there is another remedy, another way to do this.

MEMBER SLOSSON indicated that her denial was also based on the reasons mentioned.

Chairman FLORENCE stated the reason for his denial was that which was previously mentioned in earlier discussion is that given the fact that what you already got and what you are already trying to create you are in fact creating a new parcel. So regardless of the way that is being created we still have to follow the discussion as we have already presented it.

MOTION carried.

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MOTION by GALLAGHER seconded by POPOVSKI to deny Section 10.0404(D)-Request to reduce the setback along 26 Mile Road from 142' to 114' (21050 26 Mile Road), 79' (20920 26 Mile Road); Located on the south side of 26 Mile Road, east and west of Broughton Road; Section 3 and 4; Macomb Development Associates, Petitioner. Permanent Parcel No. 08-03-100-002, 08-03-100-003, 08-03-100-004; 08-03-200-002, 08-03-200-009; 08-03-300-016; 08-04-200-007. The variance was denied based upon the earlier reasons given.

MOTION carried.

MOTION by GALLAGHER seconded by SLOSSON to deny Section 10.0404(A)-Request a variance of width of property from 300' to 220' on parcel fronting on 26 Mile Road; Located on South side of 26 Mile Road, East and West of Broughton Road; Sections 3 and 4; Macomb Development Associates, Petitioner. Permanent Parcel Nos. 08-03-100-002, 08-03-100-003, 08-03-100-004; 08-03-200-002, 08-03-200-009; 08-03-300-016; 08-04-200-007. The variance was denied based upon the earlier reasons given.

MOTION carried.

10. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.1706 ABCDE; Request to alter the conditions on approval of a shopping center development.
Located on Southeast corner of 23 Mile and Romeo Plank Roads; Section 20; Morelli Investments, Petitioner. Permanent Parcel No. 08-20-200-046.

Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

The petitioner is requesting to have the commercial development on the southeast corner of 23 Mile and Romeo Plank Road classified as a Shopping Center under the terms of Section 10.1706 of the Zoning Ordinance.

The commercial development was approved by the Planning Commission on October 7, 2003. The plan was approved with 34,650 sq. ft. of retail area and provided for 233 auto parking spaces.

The issue for the petitioner is the size of the center as it relates to the designation of a Shopping Center. With respect to the issues regarding the location of driveways it is noted that the site plan has been approved all access points have been approved by the Township and the Road Commission of Macomb County.

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The petitioner's property is zoned C-2. The C-2 zoning classification allows the development of Shopping Centers as a special land use on approval of the Planning Commission. A benefit of the classification of Shopping Center is that parking is required based upon 5.5 auto spaces per 1000 sq. ft. of building versus 1 space per 150 sq. ft. of building area in a classification other than Shopping Center.

RECOMMENDATION:

A Shopping Center is defined in the Township Zoning Ordinance as, *"A group of architecturally unified commercial establishments built on a site which is planned developed, owned, and managed as an operating unit related in location size and type of shops to a trade area that the unit serves. The unit provides off-street parking in definite relationship to the types and total size of the stores. A shopping center shall be a minimum of fifty thousand (50,000) square feet of floor area and not less than three separate businesses."*

The subject site meets the criteria as established in the definition except for the minimum square footage of gross floor area. Subject site provides for 34,650 square feet or 15,350 square feet less than the minimum in the definition. Given the circumstances of the present situation the 15,350 square feet should not be the over-riding criteria in evaluating this request. The site is developed as a shopping center in all other respects.

- The buildings are developed owned, and managed as an operating unit related in location, size of shops, and type of shops to a trade area that subject center serves. The two buildings developed as part of subject site are an architectural unit with respect to building elevations, window and door treatments, signage, and roof lines.
- The site plan is designed to treat both buildings as one center with respect to access, parking layout, setbacks, loading zones, and trash units including pickup.
- The site as planned and developed provides for a multiple number of individual store units; there are 21 stores proposed whereas the minimum standard in the ordinance is only three.

The subject site could not be expanded to allow for the development of the 50,000 sq. ft. minimum because of the existence of the Middle Branch of the Clinton River to the east and the residential zoning to the south. The application of the shopping center standards to subject site serves the community and the applicant equally. The community benefits by the unified architectural style of the buildings and access management.

Therefore, it is recommended that the variance as requested be approved with the following conditions:

1. The subject site will remain as one parcel and never be split into separate parcels with separate parcel identification numbers.

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2. The number of store units on subject site will never be divided into less than six units.

That the approval of this request only allows uses permitted in the C-2 District. This approval **shall not** be construed to allow uses permitted in the C-3 (Shopping Center) District.

The following letter of explanation was submitted by the petitioner dated April 27, 2005 as follows:

“Our clients property is currently zoned C-2. A shopping center may be developed as a special land use in that Zoning District, subject to the conditions of Section 10.1706.

We would request that this variance be granted to allow our clients a variance from the 50,000 square feet of floor area to allow a shopping center development comprising of 34,650 square feet. In addition, we would request that a variance be granted with regard to Subsections A-E to allow our current approved Site Plan to be permitted to be utilized as a Shopping Center Development.”

Bob Kirk, representative, was in attendance and indicated that his client had no objection to the standards imposed.

Member GALLAGHER stated his interpretation of this request is against the spirit and intent of the Zoning Ordinance. The shopping center district area is for facilities that are large display areas with small isles to walk through. That is why there is a lower requirement for parking. But, in the commercial district, what you get is people oriented. What you need is people to make the district work and can't understand how they can justify the reduction of the parking requirement.

Bob Kirk stated they have 6.6 spaces/1,000 square feet, which meets the C-2 criteria also. I don't believe the C-3 defines any requirements of certain size for any of the units or uses. We meet all those criteria.

Member SELVA asked why the change was needed for the parking spaces since the structure was already existing.

Bob Kirk stated there was enough parking to meet the ordinance under the C-2 district. There is an issue regarding the interpretation regarding uses.

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Jerome R. Schmeiser, Planning Consultant, stated the current shopping center is a retail center. A shopping center has a definition in the zoning ordinance. The way Mr. Kirk explained that the site plan was approved with the number of parking spaces as shown with 233 does meet the requirements of the zoning ordinance. The problem is as Mr. Gallagher has said is there are 3 to 4 restaurants presently and it is unknown at this given point in time whether or not it meets the ordinance. Currently it does, but if four more restaurants come in it won't. That is where Mr. Morelli has got the situation where he may appear to be short of parking and he may not be. The issue in this case is whether this can be termed a shopping center. It can't be zoned C-3 because it does not meet the requirements. There is a provision in the C-2 zone that allows the petitioner to appear before the Planning Commission to seek a Special Land Use permit. That Special Land Use permit would then carry with it a benefit. That benefit would be to calculate the parking based on 5.5 per thousand rather than 1 per 150 square feet, still not knowing whether he is going to have enough parking depending upon uses.

Gino Morelli stated that there would be no more restaurants that what is currently slated for the center.

Public Portion: None.

MOTION by GALLAGHER seconded by SLOSSON to close the public portion.

MOTION carried.

The following resolution was offered by POPOVSKI and seconded by SELVA:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.1706(A)(B)(C)(D)(E)-Request to alter the conditions on approval of a shopping center development; Located on the southeast corner of 23 Mile Road and Romeo Plank; Section 20; Morelli Investments, LLC, Petitioner. Permanent Parcel No. 08-20-200-046. The variance was conditioned upon the three conditions as imposed as follows:

- 1. The subject site will remain as one parcel and never be split into separate parcels with separate parcel identification numbers.**

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2. The number of store units on subject site will never be divided into less than six units.
3. That the approval of this request allows only the uses and standards permitted in the C-2 District. This approval shall not be construed to allow the uses and standards permitted in the C-3 (Shopping Center) District, except for parking only.

Member POPOVSKI stated his approval was for the reasons stated.

Member GALLAGHER stated he opposed the motion strictly because it goes against the spirit and intent of the Zoning Ordinance.

Member SELVA stated she seconded the motion with the addition that it applies to parking only.

Member SLOSSON stated she approved the request based on the Planning Consultants recommendations.

Chairman FLORENCE stated his vote of denial based on the reasons given by Mr. Gallagher

MOTION carried.

11. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 10.1805(I)(4)(C) Request to allow sign on rear wall of proposed strip center and to allow a sign larger than 64 square feet. Located on North side of Hall Road, East of Gratiot (formerly Snover Road); Section 36; Phillips Sign and Lighting, Petitioner. Permanent Parcel No. 08-36-477-009.

Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

The petitioner is requesting permission to install a sign on the rear of their building and to allow said sign larger than 61 square feet total.

The proposed restaurant is located within a commercial area located on the north side of Hall Road, east of Gratiot. The building has been situated close to Hall Road with parking to the rear on the north side of the building. The petitioner plans to install a sign on the front of the building which faces Hall Road with 61 square feet.

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RECOMMENDATION:

It is recommended that the variance request be denied for the following reasons:

1. Compliance with the strict letter of the sign requirement would not unreasonably prevent the ownership from using the property as zoned. Other “shopping center” structures planned in Macomb Township will be required to comply with the same sign size requirements which are evidence that the proper sign size would not be unnecessarily burdensome.
2. The granting of a variance as requested would give to the applicant an advantage or benefit not received by any other property owners in commercial developments in Macomb Township. The other owners are or will be required to comply with the sign size requirement. As a result the other property owners do not have the opportunity to make use of an additional 61 square feet of sign for their property.

There is nothing unusual about the parcel in question that sets it apart from other parcels in area or in Macomb Township. There is nothing to prevent the petitioner from complying with the zoning ordinance.

3. The variance would amount to increasing the sign by approximately 95%.

The consultant would suggest that the petitioner divide the allowable signage for the front of the building into two signs and provide signage for both faces of the building.

The following letter of explanation was submitted by the petitioner dated April 15, 2005 as follows:

“Due to the uniqueness of the building, customers parking behind the restaurant off M59 will not be able to identify which door to enter. In an effort to minimize traffic congestion and promote public safety, we feel this signage is a benefit to all parties.

Our location fronting Hall Road and backing up to Walmart is unique influencing our decision to build on this particular site at all. Note – we are asking for an additional sign under the allowed overall square footage.

Your approval this evening will be much appreciated and help ensure our success.”

Jerome R. Schmeiser, Planning Consultant, stated that this property is zoned C-4 and the ordinance would allow for 64 square feet because of its zone. The other zone that was discussed was C-2 which allowed for 32 square feet. He reviewed the request of the petitioner and stated that he does not necessarily disagree with the petitioner that the second sign might be of value because of the freeway and Gratiot Avenue. So trying to

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apply some logic and fairness he would not disagree that the petitioner be allowed 32 square feet on the front and back of the building. Lastly, we can not support two 64 square feet signs on the building.

Ed Phillips, petitioner, was in attendance and stated the hardship was lack of adequate signage. The location of the building is a doubled edged sword. He indicated that they felt compelled to use the allowed square footage on the front of the building.

Public Portion: None.

MOTION by SLOSSON seconded by SELVA to close public portion.

MOTION carried.

MOTION by SELVA seconded by GALLAGHER to deny the variance request of Section 10.1805(I)(4)(c)-Request to allow sign on rear wall of proposed strip center and to allow a sign larger than 64 square feet; Located on the north side of Hall Road, east of Gratiot (formally Snover Road); Section 36; Phillips Sign and Lighting, Petitioner. Permanent Parcel No. 08-36-477-009. The variance was denied based upon the fact the ordinance is the same for everyone within the C-4 zoning district and can not see any difference between this business and any other business within a C-4 district along the area of Hall Road.

MOTION carried.

12. VARIANCE FROM THE PROVISION OF THE ZONING ORDINANCE;
Permission to vary section: 0.0311(A)(2) - Request to add 1/2 acre parcel to the southwest corner of the 40.7 acre parcel. The parcel measures 33' x 969' and would connect the school parcel to Romeo Plank
Located on South side of 24 Mile Road, 1/4 mile East of Romeo Plank Road;
Section 17; Macomb Intermediate School District. Permanent Parcel No. 08-17-226-002.

Chairman FLORENCE read the findings and recommendations of May 5, 2005. They are as follows:

The petitioner is requesting permission to connect a parcel of property measuring 33' x 969' to their 40 acre parcel to the north. The 40 acre parcel has frontage on 24 Mile and extends south for 1/2 mile and is in the process of being developed as a school site. The property is zoned R-1-S and is vacant. The parcel would further connect the school site with the middle branch of the Clinton River and to Romeo Plank.

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The petitioner is requesting that the parcel be connected with the main school site in order to provide student access to the Clinton River for nature and biological aspects of elementary education.

The Planning Consultant, although not objecting to the connection, does point out that such a 33' wide parcel of property running for 900' could cause problems to the adjacent properties. The adjacent properties are zoned and planned for single family residential purposes and could be adversely affected by the use of the 33' as a pedestrian way to the river. It is also noted that the pedestrian way should be properly paved and fenced with security gates at either end to protect or prevent the unauthorized use of the 33'.

RECOMMENDATION:

It is recommended that the parcel be attached as requested by the school board.

This recommendation is made with a suggestion that the Board condition the approval on any use or improvements made to the 33' be done so at a public hearing scheduled by the Planning Commission. The matter of a paved walk, fencing, security gates and policing should be discussed to assure that the adjacent property owners as well as any children using or having access to the river or Romeo Plank will be safe.

The following letter of explanation was submitted by the petitioner dated April 20, 2005 as follows:

"Macomb Intermediate was granted a variance at the Macomb Township Zoning Board of Appeals meeting held on November 9, 2004.

At that time we were allowed to add a ½ acre parcel to the southeast corner of the 70.97 acres parent parcel so that the planned Chippewa Valley Elementary School would have access to the property off of Woodside Drive from the south.

The survey work we presented at that time shows a strip of land 33' by 740' that goes west to Romeo Plank Road from the southwest corner of the parent parcel.

This strip of land has always been part of the Malburg Farm, and was part of the parcel we purchased from Joann Schatko on February 18, 2003. We would like to maintain this piece of land that will be part of the 40.7 acres sold to Chippewa Valley Schools to give both Chippewa Valley Schools and Macomb Intermediate School District students access to the Clinton River for nature and biology aspects of elementary education."

Bill Westrick, representative, was in attendance and stated they wanted to combine the property in question and would be more than willing to come back adjust our use of the site to ensure the safety that is being requested.

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Jerome R. Schmeiser, Planning Consultant, mentioned the possibility of a parent dropping off their child on Romeo Plank to cross the creek to attend school. He asked how that 33 foot strip of Road would be policed.

Bill Westrick stated the people along Romeo Plank are maintaining the property that is in question and would envision the property for the school would end at the river bank and the rest would be sold to the property owners on the other side.

Public Portion: None

MOTION by SLOSSON seconded by POPOVSKI to close the public portion.

MOTION carried.

Member SELVA asked if there were to be a problem to arise on the property, it would be the school board liability and not the Township's.

Colleen O'Connor, Township Attorney, stated that would be safe to say since it was property owned by the school district.

The following resolution was offered by GALLAGHER and seconded by SELVA:

Whereas, it has been satisfactorily presented that special conditions prevail that would cause an unnecessary hardship if the request would be denied and that conditions exist that are unique to the property and the granting of the request would not confer special privileges for the petitioner that would be denied other similar properties, that the variance request would be consistent with the spirit and intent of the Macomb Township Zoning Ordinance No. 10 under the findings and facts herein set forth;

Now, therefore, be it resolved that pursuant to the action of the Board that Section 10.0311(A)(2)-Request to add ½ acre parcel to the southeast corner of the 40.7 acre parcel. The parcel measures 33' x 969' and would connect to Romeo Plank. The variance was granted the condition the approval on any use or improvements made to the 33' be done so at a public hearing scheduled by the Planning Commission. The matter of a paved walk, fencing, security gates and policing should be discussed to assure that the adjacent property owners as well as any children using or having access to the river or Romeo Plank be safe.

MOTION carried.

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13. OLD BUSINESS

Jerome R. Schmeiser, Planning Consultant, asked the Board to recall a variance that was granted to Macomb Town Square in Section 33. He reviewed the property and stated the west property line abuts residential, the north is residential, clearly a wall will be built there and the east is commercial. The petitioner asked for the line along the west property line to be varied because the land is planned for commercial and not likely to be developed for residential purposes. It is possible, but certainly not likely. We recommended that the wall be varied with the understanding that if the property to the west ever does get developed for residential the developer will put up the wall. We obviously agreed to that because he doesn't think that it will be developed for residential purposes.

In the process, it was neglected to be mentioned that in a case where a wall is built there is a five foot concrete slab that needs to be built that the car overhangs from the curb to the wall. If the wall is not built, that dimension is only four feet. The situation that exists is that there is only four feet available for this to take place. If the wall is never built and the land is zoned commercial we don't have a problem. But in the meantime, we do have a problem because if the wall is built the five foot would be required. He further clarified that at the time the variance was recommended that we allow the four feet, since we are almost certain the land to the west will be commercial, there will not be a need for a wall and the four foot would suffice.

Dave Meckl, representative, reviewed the site plan and indicated that the landscaping plan that is along the west provides for the four foot to five foot setback

MOTION by GALLAGHER seconded by SLOSSON to amend/clarify for Macomb Town Square the prior approval for the westerly property line to be four foot vs five foot whether or not a wall is required to be built according to the ordinance and the unique dimension of this property.

MOTION carried.

14. NEW BUSINESS

None.

15. PLANNING CONSULTANTS COMMENTS

Jerome R. Schmeiser, Planning Consultant, stated the next regular meeting is scheduled for July 12, 2005.

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16. MOTION TO RECEIVE AND FILE ALL CORRESPONDENCE

MOTION by GALLAGHER seconded by SELVA to fie and receive all correspondence.

MOTION carried.

ADJOURNMENT

MOTION by SLOSSON seconded by POPOVSKI to adjourn the meeting at 9:45 P.M.

MOTION carried.

Respectfully submitted,

Brian Florence, Chairman

Dawn Slosson, Secretary

Beckie Kavanagh, Recording Secretary

BK